

IN THE UNITED STATES PATENT AND TRADEMARKS OFFICE



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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)	Docket Number (Optional) 1434-C
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First named inventor: LEZDEY
Application No.: 10/001,311
Filed: November 23, 2001
Title: ANTIMICROBIAL COMPOSITIONS

Art Unit:
Examiner:

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

- ☒ Small entity-fee \$ 770.00 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.
- ☐ Other than small entity - fee \$ _____ (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of Check for \$250.00 (identify type of reply):

- ☒ has been filed previously on 3/10/2005
- ☒ is enclosed herewith. **Additional Fee of \$520.00**

B. The issue fee and publication fee (if applicable) of \$ _____

- ☐ has been paid previously on _____
- ☐ is enclosed herewith.

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

10/24/2007 FMEYER12 1001311 520.00 OP 01 FC:1999

Sam

3. Terminal disclaimer with disclaimer fee

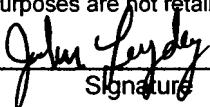
☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.


Signature

10/17/2007

Date

JOHN LEZDEY

Typed or printed name

22,735

Registration Number, if applicable

2401 WEST BAY DRIVE, SUITE 118

Address

(727) 588-0000

Telephone Number

LARGO, FL 33770-4902

Address

Enclosures: ☒ Fee Payment☒ Reply☐ Terminal Disclaimer Form☐ Additional sheets containing statements establishing unintentional delay☐ Other: _____**CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]**

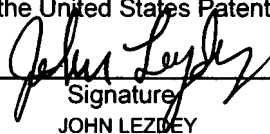
I hereby certify that this correspondence is being:

☒ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

10/17/2007

Date


Signature

JOHN LEZDEY

Typed or printed name of person signing certificate



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Lezdey
Serial No.: 10/001,311
Filed: November 23, 2001
For: Antimicrobial Compositions

Mail Stop – Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Renewed Petition Under 37 CFR 1.137(a)

This is in response to the letter dated September 9, 2007.

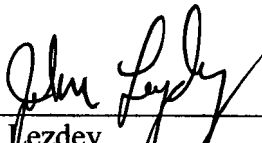
Applicant hereby requests revival of the application under 37 CFR 1.137(b) in order to have the benefit of the earlier application for application Serial No. 11/711,272.

A petition was previously filed under 37 CFR 1.137(a) but as noted from the attached it was previously requested to also consider 37 CFR 1.137(b).

The request for unintentional abandonment was not delayed and was timely filed since it was requested in the alternative when the request for consideration under 37 CFR 1.137(a) was denied even though applicant considers that the abandonment was unavoidable due to the physical incapacity.

Favorable action is earnestly solicited.

Respectfully submitted,



John Lezdey
Registration No. 22,735

John Lezdey & Associates
2401 West Bay Drive, Suite 118
Largo, FL 33770-4902
(727) 588-0000 phone
(727) 588-0002 fax



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re.: ANTIMICROBIAL COMPOSITIONS
Serial No.: 10/001,311
Filed: November 23, 2001
Applicant: Lezdey

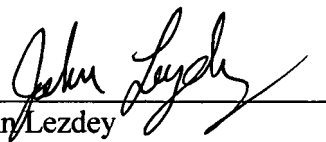
CERTIFICATE MAILING

Mail Stop - Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Hon. Commissioner:

I, John Lezdey, do hereby certify that the foregoing Renewed Petition to Revive has been deposited in U.S. Mail, postage prepaid in an envelope addressed to the Commissioner for Patents, Mail Stop – Petitions, P.O. Box 1450, Alexandria, VA 22313-1450 on this date of **October 17, 2007**.

Respectfully submitted,



John Lezdey
Registration No. 22,735

John Lezdey & Associates
2401 West Bay Drive, Suite 118
Largo, FL 33770
(727) 588-0000 phone
(727) 588-0002 fax



UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Lezdey
Serial No.: 10/001,311
Filed: November 23, 2001
For: Antimicrobial Compositions

Mail Stop – Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Renewed Petition under 37CFR1.137(a)

Reconsideration is respectfully requested of the dismissal of the Petition to Revive under 37CFR1.137(a).

Application which were filed between September 7, 2004 and November 29, 2004 were prepared for filing early in July 2004. The delay in filing was due to the four hurricanes which hit Florida in July and August 2004 whereby electricity and mail service was disrupted. It was decided to wait until after the hurricanes to file.

Petitioner suffered spinal injuries on August 7, 2004 and was in the hospital in Cape Cod until September 25, 2004 with no ability to do any patent work. The applications which were filed between December 7, 2004 and February 24, 2005 consisted of applications previously prepared which required a minimal amount of review in order to file.

Petitioner returned to the office on December 3, 2004 on a part-time basis in order to prevent further abandonments which occurred while away from the office.

Petitioner at the time was a witness in a lawsuit in the District Court in Miami, Florida and was required to appear for depositions which lasted one week and resulted in Petitioner requiring to be confined to bed for one week after the depositions.

The patent applications filed in December 2004 were previously prepared for filing and required only a review and a check.

The Notice of Abandonment which was mailed February 14, 2005 reminded the Petitioner to act promptly, however, Petitioner was also required to act promptly to avoid abandonment of applications of clients since there was inadvertent abandonment of other applications which occurred . The Patent and Trademark Office is requested to take notice that Petitioner's injury caused pain and still requires pain killers.

The Petitioner has acted as promptly as he could considering that the injury which occurred on August 7, 2004 caused partial paralysis of Petitioner's legs and required months of physical therapy before Petitioner could walk.

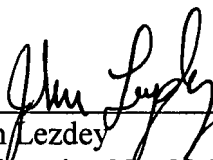
Also, during the period from December 3, 2004 to about January 21, 2005 Petitioner required assistance to be mobile and was not capable of working every day or for any long periods of time.

Petitioner still wears a body brace but can now work a full schedule on patent practice.

Petitioner urges reconsideration of the abandonment under 37CFR1.137(a) or in the alternative under 37CFR1.137(b).

If there are any additional fees, kindly charge account No. 12-1217.

Respectfully submitted,

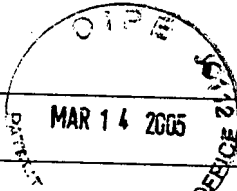


John Lezdey
Registration No. 22,735

John Lezdey & Associates
2875 MCI Drive
Pinellas Park, FL 33782
(727) 456-2585



Serial No. 10/001,311
Docket No. 1434-C
Matter: Antimicrobial Compositions / Pet. to Revoke



Hon. Commissioner of Patents
and Trademarks:

Sir:

Please acknowledge receipt of the paper(s)
noted hereon by stamping the date received
and returning this card to the undersigned.

Respectfully,
JOHN LEZDEY AND ASSOCIATES

- ☐ Pat/TM Application
- ☐ Sheets of Drawing
- ☐ Specimens
- ☒ Fees (\$_____)
- ☒ Amendment
- ☒ Declaration
- ☐ Correspondence
- ☐ Assignment
- ☒ Petition to
- ☒ Revoke
- ☒ Hosp. Records